



California Fair Political Practices Commission

December 10, 1987

Harry R. Peacock
City Clerk
City of Saratoga
13777 Fruitvale Avenue
Saratoga, CA 95070

Re: Your Request for Assistance
Our File No. I-87-284

Dear Mr. Peacock:

This is in reply to your letter concerning a local committee, "Protect our Environment." I spoke to Grace Cory of your office, and Ms. Cory provided me with additional information.

Also, Joan Hershkowitz, chairperson of the committee, called me and provided additional information. Ms. Hershkowitz informed me that the the committee is no longer active and does not anticipate any activity in the near future. If the committee becomes involved in making campaign contributions or expenditures, the committee's statement of organization (Form 410) will be amended to reflect the change in Part IV or Part V of the statement of organization. In the meantime, the committee will file the mandatory semi-annual statements required of all recipient committees.

Ms. Hershkowitz also indicated that the organization has received, and anticipates continued receipt of, monetary donations for the purpose of financing a legal challenge in connection with proposed State Highway 85.

Ms. Hershkowitz understands that funds received and spent for this litigation are not reportable "contributions" and "expenditures," and to the extent the money is not deposited into the campaign committee account, such receipts and expenditures will not be reported on the campaign statements filed by Protect our Environment.

Harry R. Peacock
December 10, 1987
Page Two

Please contact me if you have any questions about this letter, or if you would like any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Pritchard".

Jeanne Pritchard
Division Chief
Technical Assistance and
Analysis Division

cc: Joan Hershkowitz, Chairperson,
Protect Our Environment



CITY of SARATOGA

13777 FRUITVALE AVENUE, SARATOGA, CALIFORNIA 95070
(408) 867 3438

COUNCIL MEMBERS:

Karen Anderson
Martha Clevenger
Joyce Hlava
David Moyles
Donald Peterson

November 6, 1987

Fair Political Practices Commission
P.O. Box 807
Sacramento, California 95804-0807

Dear Members of the Commission:

In 1986 a local political action committee, Protect Our Environment, was formed to support a ballot measure and three candidates for election to the City Council in the general municipal election in June 1986. On May 12, 1986, they filed a Statement of Organization (Recipient Committee) with the Secretary of State.

In the past few weeks this committee has been attempting to raise money to litigate the Final Environmental Impact Statement for State Route 85 and in their literature have implied rather directly their intention to support candidates for office in the June 1988 election. Copies of the Committee's Statement of Organization and relevant letters to the editor, etc. are enclosed to verify the above statements.

I have written to the Treasurer of the Committee suggesting the committee contact the Commission to determine what further filings this committee may be required to make in order to meet the requirements of the law and your Commission's regulations. I would appreciate any advice you could give me on this matter.

Sincerely,

Harry R. Peacock
City Clerk

Enclosures: Protect Our Environment Statement of Organization
Letter to the Editor, Saratoga News, 11/4/87
Letter from Joan Hershkowitz

cc: City Council



FILE AN ORIGINAL AND A COPY OF THIS FORM WITH:
 Secretary of State
 Political Reform Division
 P.O. Box 1907
 Sacramento, CA 95807

RECEIVED
 AND FILED
 In the Office of the Secretary of State
 of the State of California
 MAY 12 1986
 HARRY LONG JR., Secretary of State

Form 440 405
 1986

STATEMENT OF ORGANIZATION (RECIPIENT COMMITTEE)

(Government Code Section 84117-84118)

860370

IF AMENDMENT
 ENTER I.D. NUMBER

IT 11-1-85

FULL NAME OF COMMITTEE

PROTECT OUR ENVIRONMENT

STREET ADDRESS OF COMMITTEE (NOT P.O. BOX)

19361 Shubert Ct

CITY

San Jose

STATE

CA

ZIP CODE

95120

COUNTY

San Jose

DATE QUALIFIED AS COMMITTEE (MO., DAY, YR.)

11-1-85

AREA CODE

408

PHONE NUMBER

725-0634

A

OFFICIAL USE ONLY

B

OFFICIAL USE ONLY

I. TREASURER AND OTHER PRINCIPAL OFFICERS

POSITION	NAME AND PERMANENT STREET ADDRESS	(AREA CODE)	PHONE NO.
TREASURER	Charlotte Law 19756 Solana Dr.	408	252-8753
Chairman	Jean Hershkovitz 19361 Shubert Ct San Jose	408	725-0634

Attach additional information on appropriately labeled continuation sheets.

II. IS THIS A CONTROLLED COMMITTEE?

(A controlled committee is one which is controlled directly or indirectly by a candidate or a proponent of a state ballot measure or which acts jointly with a candidate, controlled committee or proponent of a state ballot measure in connection with the making of expenditures. A candidate or proponent of a state ballot measure controls a committee if he or she, his or her agent, or any other committee he or she controls, has a significant influence on the actions or decisions of the committee.)

☐ YES (Complete the following and proceed to Part IV) ☐ NO

CANDIDATES OR STATE MEASURE PROPONENTS CONTROLLING THIS COMMITTEE; CANDIDATES, STATE MEASURE PROPONENTS OR COMMITTEES WITH WHICH THIS COMMITTEE ACTS JOINTLY.

NOTE: If this committee is controlled by more than one candidate, the name of each controlling candidate must be listed below.

NAME OF CANDIDATE, STATE MEASURE PROPONENT OR COMMITTEE	IF AFFILIATED WITH ANOTHER COMMITTEE, IDENTIFICATION NUMBER OF COMMITTEE OR TREASURER'S NAME AND PERMANENT STREET ADDRESS

Attach additional information on appropriately labeled continuation sheets.

III. IS THIS A SPONSORED COMMITTEE? (Refer to definitions on the reverse side)

☐ YES (Provide name and address of sponsor) ☐ NO

Name of Sponsor: _____

Address of Sponsor: _____

(If yes, check one of the classifications below and refer to the instructions on the reverse side for definitions and rules regarding the name of the committee.)

CLASSIFICATION OF COMMITTEE BY INDUSTRY GROUP OR AFFILIATION:

- ☐ Agriculture ☐ Education ☐ Entertainment/Recreation ☐ Finance/Insurance ☐ Health
☐ Industrial Manufacturing ☐ Labor ☐ Legal ☐ Merchandise/Retail ☐ Oil/Gas ☐ Public Employees
☐ Real Estate ☐ Trade ☐ Transportation ☐ Utilities
☐ Other: _____

Attach additional information on appropriately labeled continuation sheets.

YOU MUST COMPLETE THE VERIFICATION ON PAGE 2

For information required to be provided to you pursuant to the Information Practices Act of 1977, see "Information Manual on Campaign Disclosure Provisions of the Political Reform Act," Part X.

IV IF PRIMARILY FORMED TO SUPPORT OR OPPOSE SPECIFIC CANDIDATES OR MEASURES, LIST
SPECIFIC CANDIDATES AND MEASURES SUPPORTED OR OPPOSED

CANDIDATE'S NAME/MEASURE'S FULL TITLE INCLUDING BALLOT NUMBER OR LETTER	SUPPORT	OPPOSE	CANDIDATE'S OFFICE/MEASURE'S LOCATION (Include district number, city or county, as applicable.)
MEASURE B	✓		Saratoga CA
COLE BRIDGES	✓		Saratoga City Council
KAREN ANDERSON	✓		Saratoga City Council
PHIL STOKES	✓		Saratoga City Council

Attach additional information on appropriately labeled continuation sheets.

V COMMITTEE'S PRINCIPAL ACTIVITY IF NOT SUPPORTING OR OPPOSING SPECIFIC CANDIDATES OR
MEASURES

Attach additional information on appropriately labeled continuation sheets.

VI IN THE EVENT OF TERMINATION, WHAT DISPOSITION WILL BE MADE OF SURPLUS FUNDS?

VERIFICATION

I have used all reasonable diligence in preparing this Statement. I have reviewed the Statement and to the best of my knowledge the information contained herein is true and complete.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 5.8.86 at Saratoga, Calif by Therese S/S
 (Date) (City and State) (Signature of Treasurer)

Must be taken to challenge Hwy 85

large part of the city will be impacted with an overhead or street level freeway and overhead interchanges.

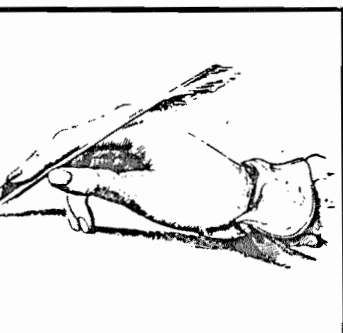
This could well be our last chance to challenge this freeway alternative, but action must be taken immediately. The challenge must be submitted before Nov. 13.

Examples of deficiencies in-

Counterproductive use of tax dollars

from us?

Like the Route 87 neighbors, we would have us see the so called "depressed freeway" rising above us before we are aware of plans for it, and too late to stop it. Under his threat of "no litigation" he would talk us into missing the deadline to challenge the EIS, leaving no options



clude:

- No honest traffic study which describes the resulting impact of Lawrence Expressway & Saratoga-Sunnyvale Roads from south San Jose, Almaden Valley & Coyote Valley residents using the freeway onto our routes to get to the job centers of the county, thereby causing an effective loss of capacity for the Saratogans' primary

routes. The FEIS fails, also, to report the air quality losses due to the impact on Lawrence and Saratoga-Sunnyvale Roads.

- According to the FEIS one-third of the current Route 101 trips will be diverted onto Route 85, and virtually all will exit onto Route 87, a novel assumption made even more so now that current construction has been halted due to the discovery of

very high levels of asbestos on Route 87.

- The FEIS reports substantial growth impacts in Coyote Valley, which result directly from the construction of a freeway, while ignoring the subject of air-quality loss due to the newly generated traffic.

These and other grossly defective assumptions lead to a significant understatement of the air pollution potential caused by the freeway.

- Only one alternative is chosen. One studied alternative is inadequate to meet the requirements of the law. The no-project alternative, a requirement under the California Environmental Quality Act, was rejected out-of-hand with virtually no study.

- There is reason to believe that soils in parts of the Route 85 Corridor are heavily laden with asbestos as they are in the Route 87 Corridor. This issue was not studied although the health of half of our citizens may well be at risk.

- The cancer risk to children resulting from the proposed shifting of the power lines closer to houses was not analyzed at all.

- These defects mean that the brakes must be applied to the process so that accurate effects can be revealed. Perhaps in time for more environmentally-concerned decision-makers to be elected in June of 1988.

We are suggesting a contribution of at least \$100 from each and every household. This money must be raised at once. If the amount collected is not enough to proceed with the legal challenge, the funds will be returned to each contributor.

Please make checks payable to: Protect Our Environment, POB 3371, Saratoga 95070.

As your neighbor I am most grateful for your help.

Joan Herskowitz
Chairperson, Protect
Our Environment

except a rollercoaster, three Saratoga interchange freeway. He seems to accept anything, no matter how irresponsible to be allowed to hurry on down to Almaden Valley or to De Anza Junior College. Not many of us need to go these places. Few would really want a Route 101 by-pass in our city.

A Route 85 freeway is an entirely counterproductive use of our tax dollars. There are serious deficiencies in routes we must travel every day such as Saratoga-Sunnyvale, Lawrence Expressway, and Route 17.

The Route 85 freeway will increase congestion on these facilities while consuming the money which may have improved them. Most people in Saratoga and Los Gatos will be

hurt by a freeway, aggravated by each Saratoga interchange and by overhead and at-grade construction.

Delay is necessary so the law can be followed, so decision makers have an accurate analysis of an array of proposals, and so reason can prevail. Nothing will be lost by taking time for the truth.

People can contribute to make possible a challenge to the EIS but only a few days remain before the challenge must be filed. Please contact Protect Our Environment, P.O. Box 3371, Saratoga, 95070. All money collected will be returned if not enough is raised for the challenge.

Suzanne Jensen
Saratoga

LORDS

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PROTECT OUR ENVIRONMENT !!!

The Saratoga City Council by unanimous vote informed the County Traffic Authority on January 17, 1986 that, regarding the proposed Highway 85 freeway, this city wanted, among other things, a fully depressed freeway with no interchanges in this city. Protect Our Environment supports this position. The council also, then and since, requested certain environmental concerns be addressed. POE agrees there is an urgent need for these. The Environmental Impact Statement (EIS) by Caltrans did not answer any of the council's requests. For these, and other reasons, POE feels that the EIS does not meet the requirements of the Federal and State laws regarding environmental impacts.

The city council, by letter dated September 17, 1987 to the Santa Clara County Traffic Authority, California Department of Transportation, and Federal Highway Administration strongly protested. This letter was approved unanimously by the four council members present, and was signed by the Mayor. POE agrees with the gist of this letter, but also feels that to ensure the needs of Saratoga are met, action must be taken to legally challenge the sufficiency of the EIS.

As stated in the final EIS by Caltrans, the freeway through Saratoga would be elevated over Prospect Ave. and Quito Road, and would be at grade over a depressed Saratoga Ave. In between the freeway would be at grade or partially depressed. There would be interchanges at Prospect Avenue, Saratoga Avenue, and Quito Road. This EIS was approved by the State Highway Commission on October 15, 1987 in spite of the City Council's letter, and over the objections of POE's attorney.

POE has retained an attorney to challenge the EIS. It will be expensive, so funds must be solicited. To accomplish this, volunteers will be contacting homeowners to donate the funds necessary to finance the legal challenge to halt the process until the intent, as well as the letter, of the law is met.



Chairperson
Protect Our Environment



California Fair Political Practices Commission

November 9, 1987

Harry R. Peacock
City Clerk
13777 Fruitvale Avenue
Saratoga, CA 95070

Re: 87-284

Dear Mr. Peacock:

Your letter requesting advice under the Political Reform Act was received on November 9, 1987 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Adm. Code Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Jeanne Pritchard
Jeanne Pritchard
Chief

Technical Assistance and Analysis
Division

JP:plh



CITY of SARATOGA

13777 FRUITVALE AVENUE • SARATOGA, CALIFORNIA 95070
(408) 867-3438

COUNCIL MEMBERS:

*Karen Anderson
Martha Clevenger
Joyce Hlava
David Moyles
Donald Peterson*

November 6, 1987

Charlene Low, Treasurer
Protect Our Environment
19756 Solana Drive
Saratoga, California 95070

Subject: Protect Our Environment - Litigation Activity

Dear Ms. Low:

I note from recent letters to the editor of the Saratoga News dated November 4, 1987, and letters being circulated in the community that your organization is attempting to raise money to litigate the adequacy of the accepted FEIS for Route 85.

A check of your organization's Statement of Organization filed with the Secretary of State on May 12, 1986, does not list this activity as one of the intended purposes of the organization, which was to Support Measure B and candidates Cole Bridges, Karen Anderson and Phil Stokes in the 1986 municipal election. Given the fact that the election has now been over for some time, and the fact that you now appear to be engaging in new types of activities, I would suggest that you consult either with competent legal counsel or with the Fair Political Practices Commission on actions you may be required to initiate in order to comply with California law regarding your activities.

For assistance in contacting the Commission staff, please feel free to contact Grace E. Cory, Deputy City Clerk, here at City Hall.

Sincerely,


Harry R. Peacock
City Clerk

cc: ✓ Fair Political Practices Commission
City Council